IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Ms. JUSTICE G.ROHINI

-

WRIT PETITION NO :6865 of 1998

Between:

M/s Akash Deepak Trading Company rep. By its

Proprietor Subash Singh, S/o Sohanlal, age 38Yrs., Occ:Business,

R/o 14-10-1194/A, Cower Dhoolpet, Hyderabad.

..... PETITIONER

AND

1. The Commissioner of Excise, Andhra Pradesh,

   at Hyderabad.

2. The Excise Superintenmdent, Hyderabad. District,

   at Narayanaguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring that the petitioner firm is entitled to purchase, transport, possess and sell the molasses and to pass such other order or orders as deem fit and proper.

Counsel for the Petitioner: MR.J.Ugranarasimha

Counsel for the Respondents: G.P. for Prohibition and Excise.

The Court made the following :

ORDER:

The issue raised in this writ petition is squarely covered by the decision of a Division Bench of this Court in Writ Appeal No.2209 of 1998 and batch, dated 08.05.2001,wherein it was held as under:

> "The restriction of transportation of molasses is only if it is intended for utilisation of illicit distillation and on such occasion only the respondent authority can take action. But, however, if any individual is transporting the Molasses under a valid purchase bills to the destination of the purchaser, the respondents authority have no right to interfere with such transportation.
>
> Therefore, the writ petition is disposed of clarifying the position that the respondents have no right to insist the petitioner for any permission or for obtaining NOC for transport of Molasses from the Sugar Factories to any other specified destination for being used by the purchaser."

Accordingly, the writ petition is disposed of in terms of directions in the

above decision. No costs.

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23-09-2004

klp

To

1. The Commissioner of Excise, Andhra Pradesh,
   Hyderabad.
2. The Excise Superintendent, Hyderabad, at Narayanaguda, Hyderabad.
3. Two C.D. copies.